

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAVID PHOENIX,

Plaintiff

vs.

CANVAS, INC., a California
Corporation; DAVID JORDAN, an
individual, d/b/a Format; and ALEX F.
NESMITH, an individual,

Defendants.

Case No. CV 09-9134 PA (PLAx)

**JUDGMENT & PERMANENT
INJUNCTION**

1 In accordance with this Court's September 13, 2010 Order granting the
2 Motion for Default Judgment filed by plaintiff David Phoenix ("Plaintiff") against
3 defendant Alex Nesmith ("Defendant"), it is hereby ORDERED, ADJUDGED,
4 AND DECREED that:

5 1. Defendant shall pay Plaintiff statutory damages in the
6 amount of \$35,000.

7 2. Defendant shall pay Plaintiff interest on the principal amount of the
8 judgment, from the date of entry of the judgment until the date the judgment is paid
9 in full, at a statutory rate pursuant to 28 U.S.C. § 1961(a).

10 3. Defendants shall pay Plaintiff attorney's fees in the amount of \$2,700.

11 4. Plaintiff shall recover its costs of suit in the amount of \$350.


12 5. Defendant and all of his respective agents, servants, employees,
13 officers, and representatives, promoters and all other persons acting in concert or
14 participation with each of them, shall be and hereby are forever restrained and
15 enjoined from the following:

16 (a) Directly or indirectly infringing in any manner upon Plaintiff's
17 copyright interest in the sound recording "I'm Gonna Make You Sweat," copyright
18 number SR00003700686 (the "Song");

19 (b) Representing or warranting that Defendant owns any copyright
20 interest in the Song; and

21 (c) seeking, collecting or accepting any royalty payments from any
22 source attributable to the Song.

23
24 Dated: September 13, 2010


PERCY ANDERSON
UNITED STATES DISTRICT JUDGE